

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

LIBERTY MUTUAL INSURANCE COMPANY,

Plaintiff,

v.

Case No. 18-cv-1901-pp

KPH CONSTRUCTION, CORP.,  
KPH CONSTRUCTION SERVICES, LLC,  
TRIPLE H HOLDINGS, LLC, KEITH HARENDA,  
KPH ENVIRONMENTAL, CORP.,  
BW CONTRACTING SERVICES, INC.,  
BRUCE A WITT, CAROL J. WITT, and MELVIN REASBY,

Defendants.

---

**ORDER STAYING PROCEEDINGS BASED ON A NOTICE OF BANKRUPTCY  
AND ADMINISTRATIVELY CLOSING CASE**

---

On December 3, 2018, the plaintiff filed this complaint against the defendants, alleging six counts related to indemnity agreements between the parties. Dkt. No. 1. On January 9, 2019, five of the defendants—KPH Construction Corp., KPH Construction Services LLC, Triple H Holdings, LLC, Keith Harenda and KPH Environmental Corp.—filed waivers of service. Dkt. Nos. 4-8. On February 7, 2019, defendants BW Contracting Services Inc., Bruce Witt and Carol Witt answered the complaint. Dkt. No. 12.

The next day, defendant Keith Harenda filed a Notice of Suggestion of Bankruptcy. Dkt. No. 13. It notified the court that two of the defendants, Keith P. Harenda and Triple H Holdings, LLC had filed voluntary Chapter 11 petitions in the Bankruptcy Court for the Eastern District of Wisconsin. Defendant

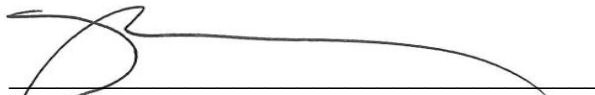
Harenda also attached “Notice of Bankruptcy Case Filing” letters for himself and for defendant Triple H Holdings. Id. at 3-4.

Under section 362(a) of the Bankruptcy Code, the filing of a petition operates as a “stay” of, among other things, “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title . . . .” The Chapter 11 petitions filed by these defendants operate as a stay on this litigation.

The court **ORDERS** that the proceedings in this case are **STAYED** until the parties notify the court that the Chapter 11 bankruptcy proceedings have concluded. The court **ORDERS** that the clerk’s office shall **ADMINISTRATIVELY CLOSE** this case until that time. The court **ORDERS** that once the Chapter 11 cases have concluded, the parties may file a motion to reopen the district court case, and the court will grant that motion once it confirms that the bankruptcy proceeding has concluded. The date that the plaintiff filed the complaint will be the operative date for any limitations purposes and will not be affected by this administrative closing.

Dated in Milwaukee, Wisconsin this 25th day of February, 2019.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**